FOR MYSORE STATE

MS 31 10 50.

REVENUE (1950) Department.

MS. SERIES.

G.O. NO. 1046.

1046

Dated 5--4--1950.

[Despatch Abstract.]

LAND * Relaxation of the instruction in para (3) of Memo.40263 F/49-3, Revenue, dated 15-7-49 in the case of lands in the occupation of Harijans - Request - Negatived.

Copy to Mysore

L1-8522/49.
Enc: One.

Tirunelveli Collector's Office,
Dated 14-10-1949.

From
Sri R.S. Subbiah Pillai, B.A.,
Collector, Tirunelveli.

To
The Secretary to Government,
Firka Development Department,
Madras.

Sub: HARIJAN WELFARE COMMITTEE - Meeting for the quarter ending 30-9-49 - Resolutions communicated.

-:-:-

I send herewith a copy of resolution Nos.2 and 5 passed in the meeting of the District Harijan Welfare Committee held on 13-9-49 for favour of necessary action.

2. The Committee resolved in its resolution No.2 to address the Government to relax the orders of the Government in para 3 of their Memorandum No.40263 F/49-2 dated 15-7-49 to the extent that the assignments of lands held by Harijans and assigned to political sufferers prior to the receipt of G.O. No.1523 dated 11-6-49 may be reviewed and revised in the light of the instruction in the G.O. There seem to be some cases in which the Harijans who had occupied porambokes and assessed waste lands, but did not own lands to the extent of 5 acres of wet or 10 acres of dry, were ordered to be evicted and the lands in their occupation were assigned to the political sufferers. The reasons for this were (1) the ban on permanent assignment of land to any one except political sufferers was not lifted and (2) the Harijan occupants owned some lands though not 5 acres of wet or 10 acres of dry. The Harijans who were in possession of some land of their own irrespective of any limit were not considered as "Landless".

3. Though the strict interpretation of the term "landless persons" would mean only persons who do not own any bit of land, persons who own lands not exceeding 5 acres of wet or 10 acres of dry are classified as landless as per the G.O. cited above. According to para 3(1) and 3(iv) of the G.O. such occupants should not be evicted, but may be granted lands so that the extent to be granted together with the lands owned

already, does not exceed 5 acres of wet or 10 acres of dry. But in para 3 of Government Memo.No.40263 F/49-2 dated 15-7-49 the Government have ordered that the assignment already made prior to the G.O.No.1523 dated 11-6-49 need not be reviewed and cancelled merely on the ground that the assignment is not in conformity with the instructions in the G.O. if the Collector thinks that the assignment is otherwise unobjectionable.

4. The District Harijan Welfare Committee is of opinion that the concessions in favour of Sivaijama occupants provided in G.O.No.1523 dated 11-6-49 should be extended with retrospective effect to the Harijan occupants who have been dispossessed of such lands prior to the G.O. in order to grant the lands to Political Sufferers.

5. I therefore request that suitable orders may be passed on this resolution.

(Sd.) x x
FOR COLLECTOR.

F.D. U.O.No. 4583 - FD (SPL)/49-1

Copy of resolution Nos.2 and 5 of the District Harijan Welfare Committee Meeting dated 13th September 1949.

---

xx xx xx xx

Subject:

Proposal to request the Government to cancel the assignment of 25 cents of land comprised in S.Nos.341/1G1/ and 341/1G3 of Thalayuthu (village) in Tirunelveli Taluk to one Political Sufferer by name Sri R.C.Sethuramalingam Pillai and to assign it in the name of the Harijans of Keela Thenkalam, as the land was converted into wet by the Harijans and as they are in enjoyment of it.

Resolution No.2

Resolved to request the Government to give retrospective effect to Government Memo. No. 40263 F/49-2 dated 15-7-49 so that Harijans may not be deprived of the lands of this kind improved upon ~~the~~ and occupied by them.

Subject:

Proposal to request the Government to introduce village Panchayat System only after the complete eradication of untouchability.

Z

Resolution No.5

Resolved to request the Government accordingly.

xx xx xx xx

Sd. K. Ghulam Mahmood,
Collector and President.

/True copy/

ABSTRACT.

LAND - Relaxation of the instructions in ~~para~~ para (3) of Memorandum No.40263 F/49-3, Revenue dated 15-7-49 in the case of lands in the occupation of Harijans - Request - Negatived.

z-z-z-z-z-z-z-z-z-z-z-z-z-z-z-z-z-z-z-z-z-z-z-z-z-z-z-z-z-z-z

REVENUE DEPARTMENT.

G.O.MS.No.1046. Dated 5th April, 1950.
Read the following:-

Memorandum No.2111 F/49-1, Rev. dated 4-3-1949.
G.O.No.1523, Revenue, dated the 11th June 1949.
From the Collector of Tirunelveli, letter No. L.I.8522/49, dated 14-10-1949.

-:-:-

ORDER:

The Collector of Tirunelveli is informed that the Government are not prepared to accept the suggestion of the District Harijan Welfare Committee that the Instructions in para (3) of Memorandum No.40263 F/49-2, Revenue, dated 15-7-49 should be relaxed in the case of lands held by Harijans. He is also informed that the suggestion of the Committee that the new Panchayat enactment should be brought into effect only after the complete eradication of untouchability is not feasible of adoption.

2. In spite of the instructions issued in Memorandum No.2111 F/49-1, Revenue, dated 4-3-1949 and in para 3 of G.O.No.1523, Revenue, dated 11-6-49, that lands in the occupation of landless poor persons including Harijans should not be taken away for being granted to political sufferers, criticisms, are being made in the Legislative Assembly and representations are being received that lands under cultivation and in the occupation of Harijans are taken away from them for being granted to political sufferers. Collectors of all districts are informed that in future landless poor persons (including Harijans) should not be disturbed from their occupation of any land that could be assigned permanently to them under the orders in G.O.No.1523, Revenue, dated 11-6-49, Political sufferers should be allotted lands other than those in the occupation of landless poor persons (including Harijans) to which they are eligible for assignment.

(By Order of His Excellency the Governor)

V.K. Rao,
Deputy Secretary to Government.

To
The Collector of Tirunelveli.
" All Other Collectors.
" Board of Revenue, Land Revenue (with a copy of Collector's letter).
Copy to the District Harijan Welfare Committee
Copy to the Firka Development Department.

/True copy/

SUPERINTENDENT.

AVR.7-7

GOVERNMENT OF MADRAS
Revenue Department.
***

Memorandum No.55028 F/50-1, dated 26th August 1950.

LAND - Grant to Political sufferers - Lands under the occupation of Harijans - Clarification of Orders in G.O.Ms.No.1046, Revenue, dated 5th April, 1950.

G.O.Ms.No.1523, Revenue, dated 11th June1949.
G.O.Ms.No.1046, Revenue, dated 5th April 1950.
From the Collector of Tanjore, P.S.R.948/Pol.A-2(b) dated 1st August 1950.

-:-:-

Under the orders issued in G.O.Ms.No.1523, Revenue dated the 11th June 1949 read with Memorandum No.40263-F/49-2 Revenue, dated the 15th July, 1949, landless poor persons including Harijans are eligible for the assignment of the lands in their occupation prior to 1st May 1948. The orders issued in para 2 of G.O.Ms.No.1046, Revenue, dated 5th April 1950 will apply only to such cases. The Collector of Tanjore is informed that Government lands under the occupation of Harijans or other landless poor persons commencing from 1st May 1948 or subsequent date can be taken away from them for being assigned to Political sufferers. This will be clear from the words "In future landless poor persons (including Harijans) should not be disturbed from their occupation of any land that could be assigned permanently to them under the orders in G.O.Ms.No.1523, Revenue dated the 11th June 1949", occurring in para 2 of G.O.Ms.No.1946 Revenue, dated the 5th April 1950.

N.V. Sugavanam,
Deputy Secretary to Government.

To
The Collector of Tanjore.
Copy to the Board of Revenue (Land Revenue) (with a copy of the letter from the Collector of Tanjore).
Copy to all other Collectors with a copy of the letter from the Collector of Tanjore).

/True copy/

-:-:-:-

Copy of letter No.PSR-948/Pol.A.2(b), dated the 1st August, 1950 from the Collector and District Magistrate, Tanjore to the Secretary to Government, Revenue Department.

-:-:-

Assignment - Land - Grant to Political sufferers - Lands under the occupation of Harijans - Further instructions solicited.

G.O.No.1523, dated 11th June1949.
Government Memo.No.40263F/49-2, dated 15th July 1949
G.O.Ms.No.1046, Revenue, dated 5--4--1950.

According to para 3(1) of G.O.No.1523, dated 11th June 1949 landless poor persons in Sivoijama Occupation of Government lands should be assigned the lands in their occupation so that together with the lands owned by them they have a total extent of 5 acres of wet or 10 acres of dry lands. The Government further instructed in their Memorandum No. 40263 F/49-2. dated 15-7-1949 that for the above purpose Sivoijama occupation commencing from 1-5-48 or subsequent

P.T.O.

date need not be taken into account. Now there has been much representation from the Harijans that the Government have relaxed the rules in respect of lands held by them even af after 1-5-48. The instructions contained in para 2 of G.O. No.1046 lend support to their representations. I request to be informed if Government lands under the occupation of Harijans commencing from 1-5-48 or subsequent date can be taken away from them for being assigned to Political sufferers with reference to the instructions contained in para 2 of G.O.1046 dated 5-4-1950.

/True copy/

REVENUE DEPARTMENT.

In paragraph 3 of Memo.No.40263 F/49-2, dated 15-7-49 it was stated that provisional assignments of land made to political sufferers prior to the receipt of G.O. No.1523, Rev. dated 11-6-49 need not be reviewed and cancelled merely on the ground that such assignment was contrary to the instructions contained in the G.O. if the Collector considered the assignment to be otherwise free from objection. What is now proposed by the District Harijan Welfare Committee, Tirunelveli is that this instruction should be relaxed in the case of lands held by Harijans. In other words, what the Committee suggests is that provisional assignment of lands made to political sufferers should be cancelled if such lands had been held by Harijans and if such Harijans are entitled to the assignment of those lands under the G.O. It is pointed out that if the provisional assignments are cancelled there is bound to be confusion. The political sufferers will claim to have invested money on the lands and if the assignments are now cancelled and the lands restored to the Harijans who held them before, the political sufferers will plead that they have sustained a loss. We are having two or three such cases on our hands now and I had them in mind when I said that relaxation of the instruction contained in para 3 of the memo. at this stage would lead to confusion. I would therefore urge that ~~these~~ there should be no change in the instructions. As Firka Development desire, the case may be circulated to H.M. (R.D.) also.

In the recent Assembly Sessions criticisms were made that lands under cultivation and in the occupation of

Harijans were taken away from them and granted to Political sufferers. I do not think that there has been any infringement of the rules as per G.O.No.1523, Revenue dated 11-6-1949. However, clear and definite instructions may be issued to the Collectors that in future they need not disturb the Harijans from their occupation of a particular land if that land could be assigned permanently to the individual under G.O.No.1523, Rev., dated 11-6-1949 but try to allot to Political sufferers lands other than those in the authorised occupation of Harijans.

Revenue Department.

To A?S.

May be submitted. To H.M. (L.R.) for perusal of the minutes of H.M. (R.D.) above.

To U.S.

Please see the orders at pp.5-6 above.

2. With reference to the minutes of H.M.(R.D.) at pp.5-6 above, it is respectfully submitted that under the general instructions regarding the assignment of land issued in G.O.No.1523 Rev. dated 11-6-49, there is no separate provision relating to grant or land to Harijans as Harijans go along with landless poor persons. Clear instructions have already been issued in Memo.No.2111 F/49-1 Rev. dated - 4-3-49, that the present occupiers of lands

leased under the Grow More Food Scheme, should not be disturbed if they are very poor and instructions have been issued in para 3 of G.O.No.1523, Rev. dated 11-6-49 that landless poor persons who are either in sivoijama occupation of the land prior to 1-5-48 or who hold the lands under G.M.F. lease should not be evicted but should be assigned such lands. However with reference to the notes and the minutes of H.M. (R.D.) on pp.5-6 above a draft order is submitted for approval.

Firka Dev. may see before issue.

Rev. U.O.
62948 F/49-2
25-3-50.

Firka Dev. Dept.

Orders in circulation at pp.6-6 ante, the further notes of Rev, above and the draft order below may be perused.

This Deptt. may request that a copy of this order may be communicated to the Director of Harijan Welfare and another copy sent to this Deptt. Necessary additions have been indicated to the draft order. With the above remarks the file may be returned to Revenue Deptt.

F.D. U.O.
14200 W/50-1
29-3-50.

To U.S.

The notes on p.7 above may be perused. The draft order may issue.

/True copy/

REVENUE DEPT.

LAND - Grant to political sufferers - lands under the occupation of Harijan Clarification of orders in G.O.Ms.No.1046, Rev. dated 5-4-50.

From the Collector of Tanjore PSH.948/PolA2(b) dated 1-8-50.

-1-

To U.S.

Please see the Collector's letter in the c.f.

2. The Collr. of Tanjore has stated that in view of the orders issued in [illegible] G.O.Ms.No.1046 Rev. dated 5-4-50 representation has been made by Harijans that the Govt. have relaxed the provision regarding assignment of land to sivojama occupants in respect of lands held by Harijans even after 1-5-48. The Collr. requests to be informed whether Govt. lands under the occupation of of Harijans commencing from 1-5-48 or subsequent date can be taken away from them for being assigned to political sufferers.

3. Under the orders issued in G.O.No.1523, Rev. dated 11-6-49 read with Memo.40263 F/49-2 Rev. dated 15-7-49 landless poor persons including Harijans are eligible for the assignment of the lands in their occupation prior to 1-5-48. The orders issued in para 2 of G.O.Ms. N 1046, Rev. dated 5-4-50 will apply only to such cases. Please also see the notes on p.7 n.f. of (P). The Collr. of Tanjore may be informed accordingly and he may be told that Govt. lands under the occupation of Harijans commencing from 1-5-48 can be taken away from them for being assigned to political sufferers. Subject to orders, a draft memo. is submitted for approval. A copy of the memo. together with a copy of the letter of the Collr. of Tanjore may be communicated to other Collrs. and the Board for information.

The instructions in G.O.1046, Rev. dated 5-4-50 are not been clear as to whether all occupations by landless poor persons, irrespective of this date of occupation, should not be disturbed or whether occupation by landless poor persons prior to 1-5-48 alone should not be disturbed.

The instructions of the Govt. as seen from the note file of the G.O. is that the lands under cultivation and in the occupation of landless poor persons including Harijans prior to 1-5-48 above should not be disturbed. General instructions may be issued to all Collrs. from the Bd. of Revenue clarifying the position.

It is not clear what led the Collr. to hold that the instructions in paragraph 2 of G.O.1046 Rev. dated 8-4-50 lend sup ort to the representations of the Harijans that Govt. have since released the rules in respect of lands occupied by them on or after 1-5-48 also. The presumption is not correct. Para 2 of G.O.No.1046 Rev. dated 5-4-50 clearly says "Landless Poor P rsons (including Harijans) should not be disturbed from their occupation <u>of any land that could be assigned permanantely to them under the orders</u> <u>in G.O.1523, Rev. dated 11-6-49.</u> This G.O., as modified by Govt. Memo.40263, dated 15-7-49 para 1 - makes it clear that occupation by persons, subsequent to 1-5-48 even if they come within the exceptions mentioned in para 3(i) to (iii) of G.O.1523, Revenue, dated 11-6-49 should be evicted. The Collr. may be informed accordingly.

The draft below is for approval.

/True Extract/

M.V. Bhaskara Rao
SUPERINTENDENT.

AVR.7-7.

"2" is correct (sd) 24-8-50.

Compared 1) M.K.N. Rao 10/7
2) V. Sreepathy 12/7.